

BEFORE THE  
POSTAL REGULATORY COMMISSION

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| <b>Competitive Product Prices</b>   | : | <b>Docket No. CP2020-120</b> |
| <b>Inbound E-Format Letter Post</b> | : |                              |
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**UNITED PARCEL SERVICE, INC.'S COMMENTS**  
**(April 27, 2020)**

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United Parcel Service, Inc. ("UPS") respectfully submits these comments in response to Order No. 5479, Dkt. No. CP2020-120 (April 13, 2020).

In its Notice, the Postal Service has redacted the rates for "Inbound Letter Post Small Packets and Bulky Letters[,] Rates Not of General Applicability for Mail Classification Schedule § 2340.6" (the "Rates").<sup>1</sup> Last month, the Commission ordered the Postal Service to publically disclose a previous iteration of these very Rates. Order 5451, Dkt. No. MC2019-17 (March 9, 2020), at 2. ("determin[ing] that it is not appropriate to accord non-public treatment to the self-declared rates for Inbound Letter Post Small Packets and Bulky Letters"). Less than a month ago, the Postal Service filed those previous rates publicly in Dkt. No. MC2019-17 in compliance with Order No. 5451.<sup>2</sup> On April 23, 2020, in response to a question from the Commission, the Postal Service

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<sup>1</sup> Notice of the United States Postal Service of Specific Rates Not of General Applicability for Inbound E-Format Letter Post for 2021, and Application for Non-Public Treatment, Dkt. No. CP2020-120 (April 10, 2020) (the "Notice") at Attachment 2.

<sup>2</sup> Notice of the United States Postal Service in Compliance with Order No 5451, Dkt. No. MC2019-17 (April 6, 2020) at 3 (publically disclosing that the rates for "Inbound Letter Post Small Packets and Bulky Letters Effective July 1, 2020[,] Rates Not of General Applicability or Mail Classification Schedule 2340.6" are "\$2.868" per piece, and "\$3.953" per kilogram).

nonetheless stated that it did “not voluntarily ‘consent’” to any public disclosure of these amended Rates, despite the clear import of Order 5451.<sup>3</sup>

The Postal Service argues that the Rates should remain non-public because of alleged commercial harms to it and third parties. See Notice at Attachment 1. The Commission considered, and rejected, these same arguments in Order No. 5451. See Order No 5451 at 6-9 (summarizing the Postal Service’s position), 34 (concluding that “the Postal Service did not meet its burden of persuasion to demonstrate that the self-declared rates should be withheld from the public”). The Postal Service has no basis to redact the Rates in light of Order 5451. UPS requests that the Commission immediately order the Postal Service to disclose the Rates in accordance with Order 5451, and issue a standing order to publically disclose any future amended rates for this product.

UPS has moved for access on behalf of its outside counsel and consultants to the non-public portions of the Postal Service’s filing, including the data on which the Postal Service relied in calculating the Rates.<sup>4</sup> Regardless of whether UPS’s counsel receives access, UPS believes these materials should be publically available in order to allow all interested parties a chance to opine on the data. A transparent and open process will provide the Commission with the benefit of more meaningful participation by all interested parties.

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<sup>3</sup> Response of the United States Postal Service to Commission Information Request No. 1, Dkt. No. CP2020-120 (April 23, 2020).

<sup>4</sup> See UPS’s Motion for Access to Non-Public Materials, Dkt. No. CP2020-120 (April 20, 2020).

Respectfully submitted,

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